

AO-15



The Commonwealth of Massachusetts

Office of Campaign & Political Finance

One Ashburton Place, Boston 02108

727-8352

*Dennis J. Duffin
Director*

AO-1984-15

October 16, 1984

Mr. Alfred DeVencenzie
The Friends of Senator Denis
L. McKenna
154 Highland Avenue
Somerville, MA 02133

Dear Mr. DeVencenzie:

You have recently requested an advisory opinion from this office on behalf of the Friends of Senator Denis McKenna as to the application of G.L. c. 55, to a testimonial dinner planned in honor of Senator McKenna. Specifically, you have inquired as to how the proceeds of this event are to be channelled.

Senator Denis McKenna is a "candidate" under the campaign finance law, since "said individual holds elective public office, whether elected or appointed to such office, and he has (3) received any money or anything of value, or made an disbursement resulting from any purchases, made from said individual, or a committee, or a person acting on behalf of said individual or committee, whether through the device of tickets, advertisements, or otherwise, for any fund-raising activity, including a testimonial, regardless of the purpose of said activity, held on behalf of said individual at any time while he holds said public office." Section 1 of c. 55. A candidate may have one political committee organized on his behalf. The Friends of Senator Denis McKenna is a political committee registered with this office on behalf of Senator Denis McKenna. This committee may be the only committee which receives contributions or makes expenditures on behalf of Senator McKenna while he is a candidate, as that term is defined above. Furthermore, this political committee must conduct all its activities in accordance with the campaign finance law, which includes complying with all limitation and reporting requirements. As long as this political committee exists, no other group may receive political contributions, including any monies received for a testimonial, or make expenditures, on behalf of Senator McKenna.

Chapter 55 clearly includes the payments for tickets to testimonials as contributions. Therefore, all contributions for the testimonial dinner must be received by the Friends of Senator Denis McKenna. Those contributions, as well as any expenditures for the testimonial must be reported to this office on the appropriate campaign finance reports on your regular reporting schedule. Since a political committee may not make any expenditure which is primarily for the candidate's or any person's personal use, nothing of value from the testimonial may benefit anyone personally.

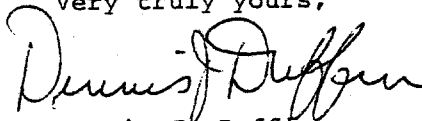
Alfred DeVencenzie
October 17, 1984
Page Two

You have also inquired about the future of the liability of the political committee to Senator McKenna. The political committee may continue to exist and may continue to carry that liability, which it may pay off out of its funds. The political committee may choose to dissolve, provided it has a zero balance and no liabilities. In that case, Senator McKenna would have to forgive the indebtedness to him, but would then forfeit any right to repayment to him from the committee. If after this dissolution any other group of persons receive contributions while he is a candidate, as that term is described herein, for any political purpose, including a testimonial, that group would have to register with this office as the senator's political committee, and report its activity to us.

In summary, the Friends to Elect Senator Denis McKenna may hold a testimonial on behalf of Senator McKenna. All provisions of the campaign finance law must be complied with. All contributions and expenditures are subject to the limitations contained in the campaign finance law and must be reported to this office by the political committee in accordance with its reporting schedule and on appropriate campaign finance reports. The political committee may not make any expenditure which is primarily for the candidate's or any other person's personal use.

Please do not hesitate to contact this office if you have any further questions.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Dennis J. Duffin". The signature is fluid and cursive, with the first name "Dennis" being more prominent.

Dennis J. Duffin
Director

DJD/mam